

*Electronically Filed on:
February 13, 2007*

JONATHAN J. BART, ESQ.
Admitted *Pro Hac Vice*
PA Identification No.: 49119
WILENTZ, GOLDMAN & SPITZER P.A.
Two Penn Center, Suite 910
Philadelphia, PA 19102
Telephone: 215-569-0000
Facsimile: 215-636-3999
E-mail: jbart@wilentz.com

Attorneys for Estate of Tabas

JANET L. CHUBB, ESQ.
Nevada State Bar No. 176
LOUIS M. BUBALA III, ESQ.
Nevada State Bar No. 8974
JONES VARGAS
100 W. Liberty St, 12th Floor
P.O. Box 281
Reno, NV 89504-0281
Telephone: 775-786-5000
Fax: 775-786-1177
Email: jlc@jonesvargas.com
and tbw@jonesvargas.com
and lbubala@jonesvargas.com

Attorneys for Fertitta Enterprises, Inc.,
and designated Nevada counsel for Estate of Tabas

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**AMENDED
NOTICE OF 2004 EXAMINATION
OF PERSON MOST
KNOWLEDGEABLE OF DEBTOR
USA COMMERCIAL
MORTGAGE COMPANY
(Affects USA CM ONLY)**

1 PLEASE TAKE NOTICE THAT on the 14th of February, 2007, at 3:30 p.m., at Jones
2 Vargas, 3773 Howard Hughes Parkway, 3rd Floor South, Las Vegas, NV 89169, pursuant to the
3 Order Allowing 2004 Exam entered on January 29, 2007, a copy of which is attached hereto, the
4 Estate of Daniel Tabas and Fertitta Enterprises, Inc., by their respective counsel, Jonathan J. Bart,
5 Esq., and/or Janet L. Chubb, Esq., will orally examine the Person Most Knowledgeable of Debtor
6 USA Commercial Mortgage Company before a Notary Public, or before some other officer
7 authorized by law to administer oaths. The deponent has been or will be served with a Subpoena.
8 Oral examination will continue from day to day until completed. You are invited to attend and
9 cross-examine.

10 DATED: February 13th, 2007.

11 JONES VARGAS

12 //s// Louis M. Bubala III
13 LOUIS M. BUBALA III, ESQ.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

CERTIFICATE OF SERVICE

1. On February 13, 2007, I served the following document(s):

**AMENDED NOTICE OF 2004 EXAM OF PERSON MOST KNOWLEDGEABLE
OF DEBTOR USA COMMERCIAL MORTGAGE COMPANY**

2. I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

- MICHELLE L. ABRAMS mabrams@mabramslaw.com
- FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com
- NANCY L ALLF nallf@parsonsbehle.com,
klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com
- FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov
- OGONNA M. ATAMOH oatamoh@nevadafirm.com,
bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com
- KERIANN M ATENCIO ATENCIOK@GTLAW.COM
- BMC GROUP, INC. evrato@bmcgroup.com,
ecf@bmcgroup.com;jmiller@bmcgroup.com;jbartlett@bmcgroup.com
- GEORGANNE W. BRADLEY georganne.bradley@bullivant.com,
mary.opatrny@bullivant.com
- KELLY J. BRINKMAN kbrinkman@gooldpatterson.com
- THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com
- ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-
law.com;lmackson@shutts-law.com
- LOUIS M. BUBALA lbubala@jonesvargas.com,
tbw@jonesvargas.com;bjlingenfelter@jonesvargas.com
- MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-
reynolds.com
- CANDACE C CARLYON ltreadway@sheacarlyon.com, ccarlyon@sheacarlyon.com;
bankruptcyfilings@sheacarlyon.com; rmsmith@sheacarlyon.com
- ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com
- MICHAEL W. CHEN yvette@ccfirm.com
- KEVIN B. CHRISTENSEN kbchrislaw@aol.com
- JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com
- WILLIAM D COPE cope_guerra@yahoo.com
- CICI CUNNINGHAM bankruptcy@rocgd.com
- LAUREL E. DAVIS bklsclv@lionelsawyer.com,
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com
- DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com
- THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM
- SCOTT D. FLEMING sfleming@halelane.com,
dbergsing@halelane.com,ecfvegas@halelane.com
- GREGORY E GARMAN bankruptcyntices@gordonsilver.com
- WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com

JONES VARGAS
 100 W. Liberty Street, 12th Floor
 P.O. Box 281
 Reno, Nevada 89504-0281
 Tel: (775) 786-5000 Fax: (775) 786-1177

- 1 • CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,
 Darlene.Ruckard@usdoj.gov; Eunice.Jones@usdoj.gov; Sue.Knight@usdoj.gov
- 2 • GERALD M GORDON bankruptcynotices@gordonsilver.com
- 3 • R. VAUGHN GOURLEY vgourley@lvcm.com
- 4 • TALITHA B. GRAY bankruptcynotices@gordonsilver.com
- 5 • JAMES D. GREENE bknotice@schrecklaw.com
- 6 • MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com
- 7 • JEFFREY R. HALL jhall@sheacarlyon.com,
 bankruptcyfilings@sheacarlyon.com; aboehmer@sheacarlyon.com; ltreadway@sheacarlyon
 .com; rmsmith@sheacarlyon.com
- 8 • XANNA R. HARDMAN xanna.hardman@gmail.com
- 9 • STEPHEN R HARRIS noticesbh&p@renolaw.biz
- 10 • JEFFREY L HARTMAN notices@bankruptcyreno.com
- 11 • BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com
- 12 • JOHN HINDERAKER JHindera@LRL.com
- 13 • RICHARD F. HOLLEY rholley@nevadafirm.com,
 paltstatt@nevadafirm.com; vnelson@nevadafirm.com; sliberio@nevadafirm.com; bkecf@ne
 vadafirm.com
- 14 • RANDOLPH L. HOWARD rhoward@klnevada.com,
 ckishi@klnevada.com; bankruptcy@klnevada.com
- 15 • DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net
- 16 • CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com
- 17 • EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com
- 18 • ANNETTE W JARVIS ajarvis@rqn.com
- 19 • TY E. KEHOE TyKehoeLaw@aol.com
- 20 • ROBERT R. KINAS rkinas@swlaw.com,
 jmcbee@swlaw.com; jmath@swlaw.com; imccord@swlaw.com
- 21 • DEAN T. KIRBY dkirby@kirbymac.com,
 jhebert@kirbymac.com; lackerman@kirbymac.com
- 22 • ZACHARIAH LARSON ecf@lslawnv.com
- 23 • JOHN J. LAXAGUE jlaxague@caneclark.com
- 24 • GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net
- 25 • NILE LEATHAM nleatham@klnevada.com,
 ckishi@klnevada.com; bankruptcy@klnevada.com
- 26 • ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net
- 27 • ANNE M. LORADITCH ecffilings@beckleylaw.com,
 aloraditch@beckleylaw.com; pkois@beckleylaw.com
- 28 • PATRICIA A. MARR jjllaw@leelaw.lvcoxmail.com,
 lvlaw03@yahoo.com; mark@leelaw.lvcoxmail.com
- JAMES C. MCCARROLL , dturetsky@reedsmith.com; aleonard@reedsmith.com
- REGINA M. MCCONNELL rmccconnell@kssattorneys.com
- WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com
- RICHARD MCKNIGHT mcknightlaw@cox.net,
 gkopang@lawlasvegas.com; cburke@lawlasvegas.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

JONES VARGAS
 100 W. Liberty Street, 12th Floor
 P.O. Box 281
 Reno, Nevada 89504-0281
 Tel: (775) 786-5000 Fax: (775) 786-1177

- 1 • SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,
 2 smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmit
 3 h@sheacarlyon.com
- 4 • DAVID MINCIN mcknightlaw@cox.net,
 5 gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com
- 6 • JOHN F MURTHA jmurtha@woodburnandwedge.com
- 7 • ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com
- 8 • VICTORIA L NELSON bkecf@nevadafirm.com,
 9 vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@
 10 nevadafirm.com
- 11 • BOB L. OLSON ecffilings@beckleylaw.com,
 12 bolson@beckleylaw.com;dgriffis@beckleylaw.com
- 13 • DONNA M. OSBORN ebaker@marquisaurbach.com,
 14 dosborn@marquisaurbach.com;tszostek@marquisaurbach.com;kgallegos@MarquisAurba
 15 ch.com
- 16 • ANDREW M. PARLEN aparlen@stutman.com
- 17 • DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com
- 18 • PAUL C RAY info@johnpeterlee.com
- 19 • CHRISTINE A ROBERTS bankruptcy@rocgd.com
- 20 • SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com
- 21 • LENARD E. SCHWARTZER bkfilings@s-mlaw.com
- 22 • JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,
 23 ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com;aboehmer@sheacarlyon.com
- 24 • SHLOMO S. SHERMAN ssherman@sheacarlyon.com,
 25 aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon
 26 .com;rmsmith@sheacarlyon.com
- 27 • AMBRISH S. SIDHU ecf@lslawnv.com
- 28 • JEFFREY G. SLOANE giklepel@yahoo.com, rmconnell@kssattorneys.com
- ALAN R SMITH mail@asmithlaw.com,
 turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com
- DAVID A. STEPHENS dstephens@lvcm.com
- PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com
- JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com,
 David@sylvesterpolednak.com
- CARYN S. TIJSSELING ctijsseling@beckleylaw.com, jblair@beckleylaw.com
- AMY N. TIRRE , lleverett@kkbrf.com
- AMY N. TIRRE atirre@kkbrf.com, lleverett@kkbrf.com
- U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov
- GREGORY J. WALCH GWalch@Nevadafirm.com
- RUSSELL S. WALKER rwalker@wklawpc.com,
 eloveridge@wklawpc.com;lboynton@wklawpc.com;ckirk@wklawpc.com
- WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com
- WILLIAM J. WRAY wjw@oreillylawgroup.com,
 rh@oreillylawgroup.com,bc@oreillylawgroup.com,lc@oreillylawgroup.com,ddh@oreillyl
 awgroup.com,mr@oreillylawgroup.com
- JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com
- MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

- ANTHONY A. ZMAILA azmaila@nevadafirm.com,
bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

■ b. **United States mail, postage fully prepaid** (list persons and addresses):

THOMAS J. ALLISON
USA COMMERCIAL MORTGAGE ET AL.
4484 SOUTH PECOS ROAD
LAS VEGAS, NV 89121

9 c. **Personal Service** (list persons and addresses):
I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

■ d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

Frank Merola, Eve Karasik & Christine M. Pajak
fmerola@stutman.com; ekarasik@stutman.com; cpajak@stutman.com

Marc A. Levinson & Lynn Trinko Ernce
malevinson@orick.com; lernce@orrick.com

Andrew Welcher c/o William E. Winfield,
wwinfield@nchc.com

Steven C. Strong, & Douglas M. Monson
sstrong@rqn.com; dmonson@rqn.com

Leonard E. Schwartzer
Lschwartz@sm-law.com

Susan M. Freeman
sfreeman@lrlaw.com

August B. Landis
Augie.landis@usdoj.gov

Nevada Mortgage Lending Division
Attn: Susan Eckhardt
seckhardt@mld.nv.gov

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

9 e. **By fax transmission** (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

9 f. **By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 13th day of February, 2007.

L. Bubala
Name

//s// L.Bubala
Signature

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177